

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Mario Astudillo-Lemos

v.

Case No. 23-cv-116-SE

FCI Berlin, Warden

ORDER

No objection having been filed, I herewith approve the Endorsed Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated June 12, 2023. For the reasons explained therein, the Warden's motion to dismiss (doc. no. 5) is denied as moot and the case is dismissed as moot, as the petitioner was released from BOP custody on June 5, 2023.

"[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal." Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quotation omitted); see United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

The clerk is directed to enter judgment and close this case.

SO ORDERED.



Samantha D. Elliott
United States District Judge

Date: July 10, 2023

cc: Mario Astudillo-Lemos, pro se
Counsel of Record